

Attn: Anthony T. DiPietro, Esq. Law Office of Anthony T. DiPietro, P.C. The Woolworth Building 233 Broadway - Suite 2700 New York, NY 10279

Re: Benny Molina v. Faust Goetz Schenker & Diee, LLP

## Opinions and Basis and Reasons for Them

It is my opinion that the cost to repair, reconstruct, and refinish the penthouse A and B apartment at 8 West 65<sup>th</sup> Street, New York, New York (the "Property"), as of mid-2005, from the gutted. stated, using materials and finishes that were comparable in materials and quality to the pre-water damaged state, totals \$145,602.00, as more fully set forth in the estimate attached hereto and incorporated herewith as Exhibit 1.

The basis of the attached opinions includes the review and analysis of photos of the Property showing the Property's

condition and finishes before being gutted, photos of the property after it was gutted, the Damage Estimate by Allstate Insurance Company, the report of Leighton Associates dated September 14, 2005, the estimate by DE Custom onstruction and Design, the floor plan for the Property, the Offering Plan for 8 West 65 th Street Condominium Corporation, my expertise in the field of cost estimating, and generally accepted costs for construction and renovation in the New York City area.

## Facts/Data Considered

Facts considered include that the Property was damaged by water infiltration, that the property was infested by mold as a result, and that the Property was gutted down to the bare walls as part of the mold remediation. Facts also considered also include the level and general condition of the finishes at the Property before the water/mold damage and the cost to replace and build out the interior of the Property to the same level/quality of finishes as existed prior to the gutting of the Property. Data considered includes the generally accepted methods of cost estimating, photos of the Property showing the Property's condition and finishes before being gutted, photos of the property after it was gutted, the Damage Estimate by Allstate Insurance Company, the report of Leighton Associates dated September 14, 2005, the estimate by DE Custom Construction and Design, the floor plan for the

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Property, the Offering Plan for 8 West 65<sup>th</sup> Street Condominium Corporation, my expertise in the field of cost estimating, and generally accepted costs for construction and renovation in the New York City area.

## **Exhibits Used**

Photos of the Property showing the Property's condition and finishes before being gutted. Photos of the property after it was gutted. Damage Estimate by Allstate Insurance Company. Report of Leighton Associates dated September 14, 2005. Estimate by DE Custom Construction and Design. Floor plan for the Property. Offering Plan for 8 West 65<sup>th</sup> Street Condominium Corporation.

## **Qualifications/Publications**

See attached curriculum vitae, incorporated and included herewith

as Exhibit 2.

Prior Expert Testimony

9 years

Statement of Compensation

\$2,200 for analysis and report.

Very truly yours,

Derek Graham